

***United States Court of Appeals
for the Second Circuit***



APPENDIX

NO. 76-1200

(To be argued by Mr. Andrew A. Bucci)

United States Court of Appeals For the Second Circuit

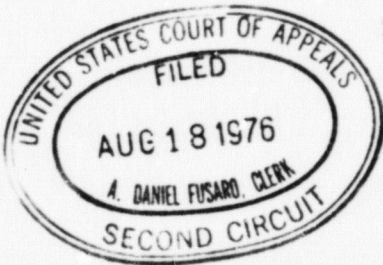
UNITED STATES OF AMERICA,
APPELLEE,

v.

ANDREW A. BUCCI,
DEFENDANT, APPELLANT.

ON APPEAL FROM A JUDGMENT OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

SUPPLEMENTAL APPENDIX



ANDREW A. BUCCI
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Pro Se

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STENOGRAPHIC TRANSCRIPT OF DISPOSITION

* * *

[4] The Court: Well, of course, your conviction by the jury depended solely upon the testimony of Mr. Marrapese.

[5] The Defendant: Yes, your Honor.

The Court: I tried to caution the jury about attaching any credence to his testimony.

He certainly painted himself as a man who had no regard for the sanctity of an oath and had frequently lied deliberately to Government authorities for his own advantage.

But the jury passed upon it. You did not take the stand to deny it, and you tried to represent yourself.

Now, just whether those circumstances contributed to the finding of the jury, I don't know.

I was, throughout that case, sympathetic with the plight of a lawyer who has to try to know all the facts pertaining to his client's defense and still is under an obligation to protect the confidences of his client.

There's that kind of a knotty problem of what a lawyer's duty is when he knows that his client may be committing perjury or may be going to commit perjury. That's the kind of an ethical problem about where there is difference of opinion as to what the right answer is. But that's not our problem here. As I think the jury [6] were pretty well cautioned that that was not the basis upon which they were to find guilt or innocence.

The only basis upon which they were able to find you guilty was that you had actually conspired in the sense that Marrapese said that you coached him in what to say, knowing that it was untrue.

All right. I think you gauged the situation correctly when you suspect that it is a distressing duty that I have to perform here.

I am, I think, satisfied that this is an offense that you will never commit in the future—this kind of an offense. And so far as the element of retribution or punishment is concerned, I am inclined to agree with you that you will be punished enough by the record that is established here of your conviction, and that the Bar Association of which you're a member, of the states where you're admitted, will very likely take some action with respect to your right or privilege to continue to practice law.

I don't know what your status is at this Bar. Are you a regular member of the Bar of the District of Connecticut? [7] The Defendant: I am not, your Honor.

The Court: You are admitted here just on motion for those cases?

The Defendant: Right, your Honor. Yes.

The Court: So that there would be no occasion for me to pass on any recommendation to authorities concerned with the right to practice before this Court.

The Defendant: No, your Honor.

The Court: All right.

I will sentence you to the custody of the Attorney General for ten days, and suspend imposition of sentence.

And I see no occasion for putting you on probation.

That is the sentence of the Court.

Now, I am required by the rules to inform you that you have a right to appeal. And if you are unable to afford the costs of an appeal, that you may appeal in forma pauperis without paying fees.

That the question of whether you are able to afford counsel is another matter. And if you find that you need counsel or which counsel and are unable to afford counsel, then an application may [8] be made for the appointment of counsel—either to this Court or, in the event you take an appeal, to the Court of Appeals.

I assume you know the time for filing a notice of appeal is ten days.

And by going to the Clerk he will assist you in filing the appeal, without charge if you're unable to pay the fee at that time.

All right.

The Defendant: Thank you.

The Court: Suspend execution of sentence.

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August 13, 1976

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Dear Mr. Coffey,

Enclosed please find the Supplemental Appendix in my case
76-1200 on appeal to the Circuit Court of Appeals.

Very truly yours,
Andrew A. Bucci
Andrew A. Bucci

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